

REMARKS

This Amendment responds to the office action mailed July 9, 2007. Claims 1, 3-12, 14, 15, 17-20 and 28-30 are currently pending. Claims 1 and 15 and have been amended herein. A Supplemental Amendment was filed on June 27, 2007 to make the same claim changes as presented here, but it appears that the Examiner did not observe that the Supplemental Amendment had been filed. Accordingly, the amendments to claims 1 and 15 are resubmitted here. Support for the changes to claims 1 and 15 may be found, for example, at least at paragraphs 0048 and 0050 of the published application.

Claims 1, 3, 12, 15, 17 and 28-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 3,009,509 ("Martin"). (Office Action, p. 2.) Claims 1 and 15 have been amended, and it is respectfully submitted that these claims are patentable over Martin.

Claim 1 recites a building panel, comprising a curved central portion having corrugations therein, and a pair of side wall portions extending from the opposite ends of the curved central portion. Claim 1 also recites that the curved central portion is concave-shaped from a perspective between the side wall portions and that the sidewall portions comprise straight portions that extend tangentially from the concaved-shaped curved central portion. Claim 1 also recites a pair of complementary wing portions extending from the side wall portions. Claim 15 recites a building structure comprising a plurality of interconnected panels, each of which includes features such as noted above in connection with claim 1.

In contrast, the panel members disclosed in Martin do not have corrugations therein. Moreover, Martin explicitly and strongly teaches away from incorporating corrugations in the panel members disclosed therein. For example, Martin states:

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Heretofore, many panels of this type and configuration have been developed, but in nearly all cases transverse corrugations or the like have been formed in the panel in order to form the longitudinal arch in the panel. *It has been found that these cross or transverse corrugations weaken the panels.* (Martin, col. 1, lines 23-28, emphasis added.)

Still another object of this invention is in the provision of a generally trough-shaped and longitudinally arched structural panel, wherein the longitudinal arching may be accomplished *without resorting to cross corrugations thereby giving a more durable and stronger panel.* (Martin, col. 1, lines 36-40, emphasis added.)

A further object of this invention is to provide a method of making a generally trough-shaped and longitudinally arched panel *devoid of cross corrugations.* (Martin, col. 1, lines 41-43, emphasis added.)

A still further object of this invention is in the provision of a method of making a generally trough-shaped and longitudinally arched structural panel having smooth inner and outer surfaces wherein the arching of the panel is accomplished *without forming any cross corrugations therein thereby providing a stronger and more rigid panel.* (Martin, col. 1, lines 44-50, emphasis added.)

Thus, it is readily apparent that the subject matter recited in claims 1 and 15 is patentable over Martin. Withdrawal of the rejection and allowance of claims 1 and 15 are respectfully requested for at least these reasons. Claims 3, 12, 17, 28-30 are allowable at least by virtue of dependency.

Claims 4-11, 18 and 19 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Martin. This rejection is respectfully traversed. The Office's application of Martin in connection with claims 4-11, 18 and 19 does not make up for Martin's deficiencies noted above. Thus these claims, which depend from either claim 1 or claim 15, are allowable at least by virtue of dependency. Withdrawal of the rejection and allowance of these claims are respectfully requested.

Claims 14 and 20 stand rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Martin in view of either U.S. Patent No. 6,282,936 (Blazley '936) or U.S. Patent No.

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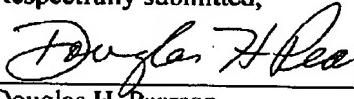
4,759,159 (Blazley '159). This rejection is respectfully traversed. The Office's reliance upon Blazley '936 or Blazley '159 in this rejection does not make up for the deficiencies of Martin described above. Accordingly, claims 14 and 20 are allowable at least by virtue of dependency. Withdrawal of the rejection and allowance of these claims are respectfully requested.

It is noted that the Office Action states that the prior allowability of claims 12 and 13 has been withdrawn in light of Martin. However, the Office Action does not state a rejection whatsoever against claim 13. Accordingly, the Office Action is facially deficient in this regard. Nevertheless, claim 13 is allowable at least by virtue of dependency at least for reasons set forth herein.

In light of the above, withdrawal of the rejections of record and allowance of this application are respectfully requested. The Examiner is invited to call the undersigned if a telephone call could help resolve any remaining items.

Respectfully submitted,

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